IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO. 393 OF 2005

Dilip Mallarao Nevkar Appellant

Vs.

The Municipal Corporation of
Greater Bombay. Respondent

Mr.Indu Prakash h/f Mr. C.K.Tripathi for appellant.
Mrs.Geeta Jogalekar for respondent.

CORAM: B.H.MARLAPALLE,J.
June 20, 2005.

ORAL ORDER:

1. Heard Mr.Indu Prakash, the learned counsel for the appellant - original plaintiff and Mrs. Jogalekar, the learned counsel for the Respondent - Corporation. Admittedly Notice of Motion No. 1132 of 2005 taken out in L.C. Suit No.1135 of 2005 is still pending and by the impugned order dated 14-3-2005 the prayer for ad-interim relief was rejected. The trial Court directed the Notice of Motion to be registered and made it returnable on 6-4-2005.

2. Admittedly in this appeal ad-interim orders have been operating right from 16-3-2005. It would

be, therefore, expedient to direct the Notice of Motion to be heard and decided within a fixed period by continuing the protection granted by this Court till then.

3. It is hereby directed that Notice of Motion No.1032 of 2005 filed in L.C. Suit No.1135 of 2005 be heard and decided on its own merits as expeditiously as possible and preferably on or before 31st August 2005. The ad-interim relief granted by this Court in favour of the plaintiff shall operate till 31-8-2005.

4. The appeal is disposed off in terms of the above directions.

5. Writ to go forthwith.

6. Certified copy is expedited.

(B.H.MARLAPALLE,J.)